

DUANE MORRIS LLP
A Delaware Limited Liability Company
1940 Route 70 East, Suite 100
Cherry Hill, NJ 08003
Attorneys for Intervener,
Cumberland River Capital, LLC
Gilbert Brooks, Esquire, Bar ID #013291986

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

THE CITY OF ATLANTIC CITY, Plaintiff, v. ZEMURRAY STREET CAPITAL, LLC, et al., Defendants.	Civil No. 14-5169 (NLH/AMD) NOTICE OF APPEAL IN ACCORDANCE WITH FEDERAL RULE OF CIVIL PROCEDURE 72(a) AND LOCAL CIVIL RULE 72.1(c)(1)(A) AND REQUEST FOR ORAL ARGUMENT IN ACCORDANCE WITH LOCAL CIVIL RULE 78.1(b)(1)
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PLEASE TAKE NOTICE that on Monday, April 5, 2021, at 9:00 a.m., or as soon thereafter as counsel may be heard, Intervener Cumberland River Capital, LLC (“Cumberland”) shall move before the Honorable Noel L. Hillman, United

States District Court Judge for the District of New Jersey, at the Mitchell H. Cohen Building and United States Courthouse, Room 6040, 4th and Cooper Streets, Camden, New Jersey 08101, by way of appeal pursuant to 28 U.S.C. §636(b)(1)(A), Federal Rule of Civil Procedure 72(a) and Local Civil Rule 72.1(c)(1)(A), for an Order setting aside the following portion of the February 23, 2021 Order of the Honorable Ann Marie Donio, United States Magistrate Judge for the District of New Jersey as clearly erroneous and/or contrary to law.

(a) Magistrate Judge Donio's finding that the City of Atlantic City ("Atlantic City") argued during the preliminary injunction hearing conducted by the Honorable Robert B. Kugler, United States District Court Judge for the District of New Jersey, on April 18, 2019 that the transaction between Cumberland and Zemurray Street Capital, LLC ("Zemurray") for the sale of the stock of the Tennessee Business & Industrial Development Corporation ("TN BIDCO") was fraudulent and that reasonably equivalent value for the TN BIDCO stock was not given by Cumberland to Zemurray; and

(b) Magistrate Judge Donio's finding that Judge Kugler did not enter a final finding addressing the bona fide nature of the TN BIDCO transaction that would bar Atlantic City from pursuing a fraudulent transfer claim.

PLEASE TAKE FURTHER NOTICE that Cumberland will rely upon the Brief submitted herewith in support of the appeal.

PLEASE TAKE FURTHER NOTICE that, in accordance with Local Civil Rule 7.1(c), a proposed Order is annexed hereto.

PLEASE TAKE FURTHER NOTICE that, in accordance with Local Civil Rule 78.1(b)(1), Cumberland requests oral argument in connection with the appeal.

Dated: March 9, 2021

Respectfully submitted,

DUANE MORRIS LLP
Attorneys for Intervener Cumberland River
Capital, LLC

By: /s/ Gilbert Brooks
Gilbert Brooks, Esquire